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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LUIS OTONIEL RODRIGUEZ-REYNA,

14 Defendant.  
15

Case No. 2:10-CR-00126-KJD-RJJ

**ORDER**

16 Before the Court for consideration is the Report and Recommendation (#27) of Magistrate  
17 Judge Robert J. Johnston entered September 30, 2010, recommending that Defendant's Motion to  
18 Dismiss Based on a Prior Unlawful Deportation (#18) be denied. Though the time for doing so has  
19 passed, Defendant has failed to file any objections to the Report and Recommendation.

20 The Court has conducted a *de novo* review of the record in this case in accordance with 28  
21 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation  
22 (#27) of the United States Magistrate Judge entered September 30, 2010, should be **ADOPTED** and  
23 **AFFIRMED**.

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1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
2 (#27) entered September 30, 2010, are **ADOPTED** and **AFFIRMED**, and Defendant's Motion to  
3 Dismiss Based on a Prior Unlawful Deportation (#18) is **DENIED**.

4 DATED this 28<sup>th</sup> day of October 2010.

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8 Kent J. Dawson  
United States District Judge  
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